



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 01 C 50457
)	
GLEN EKBERG,)	
)	
Defendant.)	

AMENDED NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 26 and 30, Plaintiff, United States of America, will take the deposition of Mr. Dean Ekberg of 4332 O'Connell Street, Rockford, IL, 61114, on Tuesday, August 3, 2004, at 10:30 a.m., and continuing day to day thereafter until completed, at the office of the United States Attorney, 308 West State Street, Suite 300, Rockford, Illinois, 61111. The deposition shall be by oral examination with a written record made thereof, before a person authorized by law to administer oaths. You are at liberty to appear and examine the witness and documents requested in the attachment to this Notice.

Additionally, pursuant to Federal Rules of Civil Procedure 30(a) and 45, the deponent, Dean Ekberg, is commanded to produce for inspection and copying the following at the time and

place of his deposition: See Attachment A, attached hereto and made a part hereof by this reference.

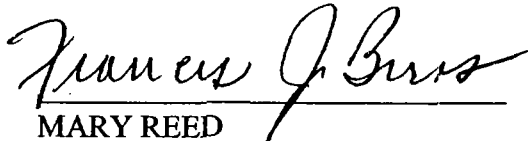
Respectfully submitted,

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Dated: July 13, 2004


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OF COUNSEL:

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ATTACHMENT A

INSTRUCTIONS

1. In complying with this Subpoena, you are required to produce all documents specified herein which are in your possession, custody, or control, including documents in the possession of your attorneys, accountants, advisors or other persons directly or indirectly employed by or connected with you or your attorneys, and/or anyone else otherwise subject to your control. Compliance also requires the production of all responsive documents, data, models and reports in an electronic format that is computer usable.
2. Each document produced should be specifically identified with the specific request made herein, and should be produced in a form which renders the document susceptible to copying.
3. If any request cannot be complied with in full, it should be complied with to the extent possible and an explanation provided as to why full compliance is not possible.
4. If any claim of privilege is asserted as to any requested documents (or any portion thereof), please furnish, in lieu of any documents withheld, a schedule which specifically states the type of document, the date, the author, the subject matter of the document, and the basis on which the privilege is claimed, for each document (or portion) withheld.
5. Please respond to each request separately. Requests should not be combined for the purpose of supplying a common response thereto.
6. Whenever a request for document is stated in the conjunctive, it shall also be understood to be phrased in the disjunctive, and vice versa.
7. Whenever a request is stated in the singular, it shall also be understood to be phrased in the plural, and vice versa.

DEFINITIONS

The following definitions and instructions apply to each and every document request:

1. The terms "YOU" and "YOURS" shall mean Dean Ekberg, and each of YOUR affiliates, officers, employees, counsel, accountants, representatives, agents and anyone else acting upon your behalf.
2. The terms "REFER," "RELATE," "RELATES" or "RELATING" mean concerning, referring to, summarizing, reflecting, constituting, containing, embodying, pertaining to, involved with, mentioning, discussing, consisting of, comprising, showing, commenting on, evidencing, describing or otherwise relating to the subject matter.
3. The term "DOCUMENT" is used in the broadest possible sense and includes any and all written, printed, typewritten, photographic, electronic, magnetic, recorded or graphic materials, however produced or reproduced, which relate or pertain in any way to the subject matter to which the interrogatory refers, such document(s) to include, without limitation, all originals, copies, and drafts of all notes, memoranda, correspondence, advertisements, circulars, brochures, ledgers, journals, minutes, books, telephone slips, expense accounts, time sheets, telegrams, cables, publications, photographs, microfilm prints, contracts, manuals, recordings, tapes, transcriptions of records and recordings, business records, desk calendars, diaries, transcripts, affidavits, bills, receipts, prescriptions, diagnoses, checks, memoranda of telephone or other conversations by or with any person(s) and any other pertinent information set forth in written language or any electronic or magnetic representation thereof, whether or not such document(s) are in YOUR possession, custody or control.

INDIVIDUAL REQUESTS

1. All DOCUMENTS RELATING to YOUR opinions in this litigation;
2. All DOCUMENTS reviewed by YOU in forming YOUR opinions in this litigation;
3. All DOCUMENTS reviewed by YOU in the course of performing any services for Glen Ekberg in relation to this litigation;
4. All DOCUMENTS provided to YOU in the course of performing any services for Glen Ekberg in relation to this litigation including all databases and computer models in electronic form;
5. All DOCUMENTS generated by YOU in the course of performing any services for Glen Ekberg in relation to this litigation; including but not limited to all draft reports and other draft or preliminary work product;
6. All publications, DOCUMENTS, and the transcript of all testimony referred to in YOUR curriculum vitae;
7. All transcripts of your testimony from prior lawsuits, arbitrations, administrative proceedings or any other judicial or quasi-judicial proceedings;
8. All opinions, reports, and similar documents you have provided in other lawsuits, arbitrations, administrative proceedings or any other judicial or quasi-judicial proceedings that involved issues or topics similar to those on which you have provided opinions in this case;
9. All notes and records of YOUR communications with Glen Ekberg, Glen Ekberg's counsel, and/or Glen Ekberg's consultants and experts and any third parties;
10. All information and DOCUMENTS received or acquired by YOU from any source RELATING to this litigation;
11. All invoices for services relating to this litigation, including all DOCUMENTS underlying YOUR invoices for costs advanced and services; and
12. All DOCUMENTS, data or information in electronic form that YOU received, reviewed, relied upon or generated in the course of performing any services for the El Paso defendants in relation to this litigation;

with any presentation or testimony by you at any hearing in or at the trial of this matter.

15. Your complete file in this case, including correspondence, notes, and all forms of communication.

Francis J. Biros
Francis J. Biros
U.S. Department of Justice